

SENATE BILL No. 382

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7.

Synopsis: Voting rights of felons. Provides that a person who is convicted of a crime after June 30, 2002, is not eligible to register or to vote until the person is no longer incarcerated, on parole, or under court supervision. Requires the circuit court clerk of the county in which an individual is convicted of a crime, rather than the department of correction, to notify the national voter registration act of 1993 (NVRA) official of the conviction and placement of the individual. Repeals a requirement that the county sheriff notify the NVRA official of a conviction.

Effective: July 1, 2002.

Hershman

January 10, 2002, read first time and referred to Committee on Legislative Apportionment & Elections.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 382

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-7-13-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 5. **Except as provided in section**
3 **6.1 of this chapter**, a person described in section 4 of this chapter who
4 is otherwise qualified to register under this article is eligible to register
5 when the person is no longer:
6 (1) imprisoned; or
7 (2) otherwise subject to lawful detention.
8 SECTION 2. IC 3-7-13-6 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) This section applies to a
10 person **convicted of a crime before July 1, 2002**, who is:
11 (1) otherwise qualified to register under this article; and
12 (2) not imprisoned or subject to lawful detention.
13 (b) A person described in subsection (a) who is:
14 (1) on probation;
15 (2) on parole;
16 (3) subject to home detention under IC 35-38-2.5; or
17 (4) placed in a community corrections program under



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1 IC 35-38-2.6;
2 is eligible to register and to vote.

3 SECTION 3. IC 3-7-13-6.1 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2002]: **Sec. 6.1. (a) A person who is convicted of a crime after**
6 **June 30, 2002, is otherwise qualified to register under this article,**
7 **and is:**

- 8 (1) imprisoned;
- 9 (2) otherwise subject to lawful detention;
- 10 (3) on probation;
- 11 (4) on parole;
- 12 (5) subject to home detention under IC 35-38-2.5; or
- 13 (6) placed in a community corrections program under
- 14 IC 35-38-2.6;

15 is not eligible to register or to vote.

16 (b) A person who is convicted of a crime after June 30, 2002, is
17 otherwise qualified to register under this article, and is no longer:

- 18 (1) imprisoned;
- 19 (2) otherwise subject to lawful detention;
- 20 (3) on probation;
- 21 (4) on parole;
- 22 (5) subject to home detention under IC 35-38-2.5; or
- 23 (6) placed in a community corrections program under
- 24 IC 35-38-2.6;

25 is eligible to register and to vote.

26 SECTION 4. IC 3-7-46-2 IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2002]: **Sec. 2. (a)** A person imprisoned
28 following conviction of a crime is disfranchised during the person's
29 imprisonment.

30 (b) A person who is convicted of a crime after June 30, 2002, is
31 disfranchised during the period that the person is:

- 32 (1) imprisoned;
- 33 (2) otherwise subject to lawful detention;
- 34 (3) on probation;
- 35 (4) on parole;
- 36 (5) subject to home detention under IC 35-38-2.5; or
- 37 (6) placed in a community corrections program under
- 38 IC 35-38-2.6.

39 SECTION 5. IC 3-7-46-4, AS AMENDED BY P.L.199-2001,
40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2002]: **Sec. 4. (a)** Not later than the second Tuesday of each
42 month, the ~~department of correction~~ **circuit court clerk of the county**

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1 **in which a person is convicted of a crime** shall provide the NVRA
 2 official with a list identifying each person who:

- 3 (1) is a resident of Indiana;
 4 (2) has been convicted of a crime; and
 5 (3) has been placed:
 6 (A) in a department of correction facility;
 7 (B) **in other lawful detention;**
 8 (C) **on probation;**
 9 (D) **on parole;**
 10 (E) **on home detention under IC 35-38-2.5; or**
 11 (F) **in a community corrections program under**
 12 **IC 35-38-2.6;**
 13 during the previous month.

14 (b) The ~~department of correction~~ **circuit court clerk** shall provide
 15 the information required by this section electronically in a format
 16 prescribed by the commission.

17 SECTION 6. IC 3-7-46-5 IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2002]: Sec. 5. The NVRA official shall notify
 19 the circuit court clerk or board of registration of each county where a
 20 person on the list **described in section 4(a) of this chapter** resides.

21 SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
 22 JULY 1, 2002]: IC 3-7-46-6; IC 3-7-46-7.

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